

Summary: The parties filed a stipulation to dismiss, stating they had reached a settlement of the dispute. The Court adopted the stipulation.

Case Name: Western Onion Sales, Inc. v. KIDCO Farms Processing, Inc., et al.

Case Number: 1-06-cv-66

Docket Number: 29

Date Filed: 9/20/06

Nature of Suit: 891

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Western Onion Sales, Inc., a corporation,)	
)	
Plaintiff,)	ORDER ADOPTING STIPULATION
)	FOR ENTRY OF JUDGMENT
vs.)	AGAINST DEFENDANT KIDCO
)	FARMS PROCESSING, INC.,
KIDCO Farms Processing, Inc., a)	
corporation; KIDCO Farms, Inc., a)	
corporation; KIDCO Produce Farms, LLP,)	
a limited liability partnership; Van)	Case No. 1:06-cv-066
Amundson, an individual; Terry Smith, an)	
individual; and Rodney Holth, an individual,)	
)	
Defendants.)	

Before the Court is the parties' "Stipulation for Entry of Judgment Against Defendant KIDCO Farms Processing, Inc.," filed on September 19, 2006. The parties have informed the Court that they have reached a settlement agreement to resolve this dispute. The Court **ADOPTS** the parties' "Stipulation for Entry of Judgment Against Defendant KIDCO Farms Processing, Inc." (Docket No. 27).

The Court **ORDERS** that upon the default of Defendant KIDCO Farms Processing, Inc. as defined in the stipulation, Plaintiff shall be entitled to obtain judgment against Defendant KIDCO Farms Processing, Inc., consistent with the terms of the stipulation.

It is **ORDERED** that the Plaintiff's complaint in the above-captioned matter shall be dismissed as to all Defendants without prejudice subject to reopening in the event of default of the terms of the stipulation for the purpose of entering and enforcing judgment against Defendant KIDCO Farms Processing, Inc., or to otherwise interpret or enforce the terms of the stipulation, or for Plaintiff to seek to hold the remaining Defendants liable for any unpaid amount in the event judgment is entered against Defendant KIDCO Farms Processing, Inc., or to enter any other orders as deemed necessary or just by this Court.

It is **ORDERED** that the Court's September 8, 2006, Temporary Restraining Order filed in the matter is dissolved and dismissed and of no effect or consequence.

If is further **ORDERED** that the U.S. District Court for the District of North Dakota shall retain exclusive personal and subject matter jurisdiction of this case for the purpose of entering and enforcing judgment against Defendant KIDCO Farms Processing, Inc., or to otherwise interpret or enforce the terms of the stipulation, or for the Plaintiff to seek to hold the remaining Defendant liable for any unpaid amount in the event judgment is entered against Defendant KIDCO Farms Processing, Inc., or to enter any other order as deemed necessary or just by this Court.

Dated this 19th day of September, 2006.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court